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6 UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF WASHINGTON  
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9 UNITED STATES OF AMERICA,  
10 Plaintiff,

11 vs.

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13 TROY WAYNE DAVIS, a/k/a Troy W.  
14 Davis,  
15 Defendant.  
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No. CR-12-120-RMP-4

ORDER DENYING DEFENDANT'S  
MOTION FOR RECONSIDERATION

☒ MOTION DENIED  
(ECF No. 82)

17 Date of bail hearing: 11/20/2012

18 **FINDINGS OF FACT AND STATEMENT OF**  
19 **REASONS FOR DETENTION**

20 ☐ Pursuant to 18 U.S.C. § 3142(e), there is a rebuttable presumption that  
21 Defendant is a flight risk and a danger to the community based on the nature of the  
22 pending charge. Application of the presumption is appropriate in this case.

23 ☒ Defendant has a history of: ☒ Failures to appear  
24 ☐ Failures to comply

25 ☐ Defendant has few or no ties to the community.

26 ☒ Defendant has a ☒ significant criminal history.

27 ☐ Defendant has an outstanding warrant(s).

28 ☐ Defendant does not have a suitable residence.

ORDER DENYING DEFENDANT'S MOTION FOR RECONSIDERATION - 1

☒ Defendant appears to suffer from chemical dependency.

☐ The Grand Jury has found probable cause.

☒ Other: History of assaultive behavior; representations in assessment by Defendant to assessor (regarding chemical dependency matters) inconsistent with Pretrial Services Report.

☒ The court finds the Defendant is not supervisable.

☐ By a preponderance of the evidence there are no conditions or combination of conditions other than detention that will reasonably assure the appearance of Defendant as required.

☒ By clear and convincing evidence there are no conditions or combination of conditions other than detention that will ensure the safety of the community.

☐ Defendant is currently on probation/supervision resulting from a prior offense.

☐ Bureau of Immigration and Customs Enforcement Detainer.

**IT IS ORDERED:**

1. Defendant shall be held in detention pending disposition of this case or until further order of the court. If Defendant waived a bail hearing, or should circumstances change, Defendant may petition the court to reopen the detention issue by written motion to amend and request for hearing, served upon the United States Attorney.

2. Defendant is committed to the custody of the U.S. Marshal for confinement separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal.

3. Defendant shall be afforded reasonable opportunity for private consultation with counsel.

4. If the Defendant seeks review of this Order pursuant to 18 U.S.C. § 3145(b), attorney for Defendant shall file a written motion for revocation or amendment of this Order within ten (10) days before the district judge to whom

1 this case is assigned and note it for hearing at the earliest possible date. Both  
2 parties are responsible to ensure the motion is determined promptly.

3 DATED November 20, 2012.

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5 S/ CYNTHIA IMBROGNO  
6 UNITED STATES MAGISTRATE JUDGE  
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